THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos 9142, 9154 and 9158 of 2006

Dated:27.07.2007

WP No.9142 of 2006
Between
M/s. Heart Animation Academy
Pvt Ltd., rep., by its Managing
Director Mr.Venkat NR Akkineni
Hyderabad.

.....Petitioner

and

D.Shanthi Anand and another.

...Respondents

WP No.9154 of 2006
Between
M/s Heart Entertainment Ltd.,
Rep., by its Managing Director
Mr Venkat NR Akkineni, Hyderabad

..Petitioner

and

1.T.Prashanth and another.

..Respondents.

W.P.No.9158 of 2006
Between
M/s Heart Entertainment Ltd.,
Rep., by its Managing Director
Mr Venkat NR Akkineni, Hyderabad

..Petitioner

and

1.T.Praveen and another.

..Respondents.

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos 9142, 9154 and 9158 of 2006

COMMON ORDER

In all these writ petitions common questions of fact and law arise for consideration and therefore, they are being disposed of by this common order.

It appears that the respondents-claimants have filed claim petitions under Section 50 of the AP Shops and Establishments Act, 1988 (for short 'the Act') before the Authority concerned. The petitioner filed Interlocutory Applications to decide as to whether the claimants were employees as defined under the Act as a preliminary issue. The Authority

after hearing both the parties held that the issue cannot be decided in the I.A and both parties may therefore come up with their respective stands while considering the main claim petition and dismissed the said IAs.

The Labour Court has not denied to decide the issue as to whether the respondents-claimants are employees within the meaning of the Act. It has simply stated that this issue also can be taken up along with all other issues when the main claim petition itself is disposed of.

Under those circumstances, the Authority has not committed any error calling for interference of this Court under Article 226 of the Constitution of India. In fact, in the labour matters, particularly, in matters arise under the AP Shops and Establishments Act, it is always desirable that any IAs or applications seeking decision on a preliminary issue should also be

considered along with the main relief that is sought for in the application.

Therefore, all the writ petitions are dismissed leaving liberty to the petitioner herein to raise all objections available, under the law, before the Authority and the Authority shall decide the same as per law. However, it is desirable that the Authority shall take up the issue immediately, after putting all the parties on notice and complete the enquiry within a period of four months from the date of receipt of a copy of the order.

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27-07-2007

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